

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

February 18, 2013 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Jim Sides, Chairman
Craig Pierce, Vice-Chairman
Jon Barber, Member
Mike Caskey, Member

Absent: Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Barger, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Sides convened the meeting at 6:00 p.m.

Commissioner Caskey provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the minutes of the February 4, 2013 Commission Meeting passed unanimously (4-0).

CONSIDER ADDITIONS TO THE AGENDA

- Chairman Sides moved to add to the Consent Agenda the setting of a public hearing on March 4, 2013 on the close out for the RDH Tire Project. The motion was seconded by Commissioner Barber and passed unanimously (4-0).

Chairman Sides added the issue as Consent Agenda item G.

- Commissioner Pierce requested to pull Consent Agenda item E (Revised Assistance Policy for the 2012 Urgent Repair Program) for discussion.

Chairman Sides moved the topic to agenda item #5a for discussion.

- Commissioner Barber moved to add an acknowledgement of a Proclamation by Governor Pat McCrory for School Bus Driver Appreciation Week. Commissioner Pierce seconded and the motion passed unanimously (4-0).

Chairman Sides added the issue as agenda item #5b.

- Commissioner Barber requested to pull Consent Agenda item C (Setting of a Public Hearing for Solar Energy).

Chairman Sides moved the topic to agenda item #5c for discussion.

- Commissioner Barber requested to pull Consent Agenda item #F (Resolution to support legislation to increase security features for Food and Nutrition Services EBT Card).

Chairman Sides moved the topic to agenda item #5d for discussion.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Pierce moved, Commissioner Barber seconded and the vote to approve the agenda passed unanimously (4-0).

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Pierce and passed unanimously (4-0).

The Consent Agenda consisted of the following:

- A. Purchase Two (2) Vehicles for Environmental Management Department
- B. Memorandum of Agreement With NC Department of Public Safety
- C. Set Public Hearing for March 4, 2013 for ZTA 03-12: Solar Energy Systems (moved to agenda item #5c for discussion)
- D. Set Quasi-Judicial Public Hearing for March 4, 2013 for CUP 01-13
- E. Revised Assistance Policy for 2012 Urgent Repair Program (moved to agenda item #5a for discussion)
- F. Resolution to Support Legislation to Increase Security Features for the Food and Nutrition Services Electronic Benefit Transfer Card (moved to agenda item #5d for discussion)
- G. Set Public Hearing for March 4, 2013 for RDH Tire Project (addition to the agenda)

2. PUBLIC COMMENT PERIOD

Chairman Sides opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Jeff Morris addressed the issue of the previous forced annexations of the Rowan County Airport by the City of Salisbury. Mr. Morris expressed hope that the Board would send a strong message to the local legislative delegation for de-annexation of the Airport.
- Larry Wright expressed his displeasure with the continuously increasing price of the central office for the Rowan Salisbury Board of Education.

With no one else wishing to address the Board, Chairman Sides closed the Public Comment Period.

3. PUBLIC HEARING TO CONSIDER ADOPTION OF SOLID WASTE MANAGEMENT PLAN UPDATE

Caleb Sinclair, Recycling Operations Supervisor, presented the Solid Waste Management Plan (Plan) updates and sought adoption of the 2012-2022 Plan by formal resolution.

Mr. Sinclair pointed out that changes had been made as recommended by the Board; one of which was the purchase of recycled products by County offices and agencies. Mr. Sinclair stated that language had been inserted that encouraged all people to buy recycled products when feasible. Mr. Sinclair said the site selection evaluation sheets that were part of the site debris management in the event of a natural disaster had been updated. Mr. Sinclair went on to describe the third update as the electronics portion of the plan, and how the County recycles and manages electronic waste. Mr. Sinclair said that the language hits the parameters that make the County eligible to apply for grant money in the future.

Commissioner Pierce questioned the solid waste reduction goals and the population decrease. Mr. Sinclair said the projection was based on the North Carolina Department of Economic Development.

Kathryn Jolly, Director of Environmental Management, said the population decrease projection came from the US Census and was documented.

Chairman Sides opened the public hearing to receive citizen input regarding the Plan. With no one wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Barber moved approval of the Resolution accepting and endorsing the Solid Waste Management Plan of 2012 for Rowan County. The motion was seconded by Commissioner Pierce and passed unanimously (4-0).

4. RECEIVE REPORT AND CONSIDER REQUEST TO SET PUBLIC HEARING FOR APRIL 1, 2013 FOR PROPOSED CHANGES TO COUNTY SERVICE DISTRICT FOR FIRE PROTECTION WITHIN BOSTIAN HEIGHTS AND MOUNT MITCHELL FIRE DISTRICTS

Aaron Youngblood, Fire Marshal, reviewed the report for establishment of a County Service District for fire protection with the Bostian Heights and Mount Mitchell fire districts in accordance with North Carolina General Statute § 153A-302. Mr. Youngblood also provided a map of the proposed district boundaries.

Mr. Youngblood pointed out that the only area affected by the boundary change would be the Wellington Estates Subdivision. Mr. Youngblood said if the changes were approved the subdivision would fall under primary coverage of the Bostian Heights Fire District.

Mr. Youngblood explained that if it was the intent of the Board of Commissioners to pursue creating County Service Districts in the affected areas, a public hearing must be held prior to adoption of a resolution defining a new service district. A notice of the hearing must be made available for public inspection in the office of the Clerk to the Board at least once and not less than one week prior to the date of the hearing. Additionally, a notice of the public hearing shall be mailed at least four weeks prior to the date of the hearing to all property owners within the proposed districts.

Mr. Youngblood sought Board approval to schedule a public hearing for the April 1, 2013 Commission Meeting.

Commissioner Barber moved to schedule a public hearing for April 1, 2013 to consider creating a County Service District for fire protection within the Bostian Heights and Mount Mitchell fire districts. The motion was seconded by Commissioner Pierce and passed unanimously (4-0).

5. CONSIDER REQUEST TO SEEK LEGISLATION FOR DE-ANNEXATION OF ROWAN COUNTY AIRPORT

Chairman Sides read from a handout he had provided to the Board just prior to the meeting regarding the background for two (2) of the City of Salisbury's (City) annexations of Rowan County Airport (Airport) property. Chairman Sides said in June of 2004 the City annexed a portion of the Airport property, effective July 1, 2005. Chairman Sides described the portion of the property annexed as representing the major taxable part of the property where airplanes and owner-occupied hangars existed. Chairman Sides stated that approximately 170 acres was annexed while approximately 375 acres was left untouched. According to the handout, the property not annexed included the old landfill area, the National Guard complex and the undeveloped land at the north end of the runway. This portion of the Airport property represented no tax value for the City and was therefore untouched in their annexation. The property is contiguous with the annexed Airport property and is still to this day, outside the corporate boundaries

of the City. According to Chairman Sides, annexation by the City had the affect of essentially doubling the tax rate for all tenants at the Airport, while the County felt no immediate financial impact. However; Chairman Sides said the doubling of the tax rate placed the County in a non-competitive position with other surrounding airports. Chairman Sides said the annexation also had the net affect of deterring future growth of the Airport by virtue of no new hangars being built and no new airplanes being based at the Airport. In early 2008, Chairman Sides said the idea surfaced of initiating de-annexation of the Airport property taken by the City. Chairman Sides said the City, in an effort to squelch the idea, presented a plan to reduce the tax rate at the Airport through what was called an Airport Development Zone Economic Incentive Agreement (Agreement). Chairman Sides said the Agreement was adopted in 2009. Chairman Sides said the plan effectively reduced the tax rate for Airport residents, but it also reduced the amount of tax the City and the County collected. Chairman Sides said the rate of \$.80 for Airport development was only a token amount less than the rate for other surrounding airports. Chairman Sides then read the following list of eleven (11) reasons why he felt de-annexation of the Airport property should be considered.

- 1) It is, and has always been the desire of the Rowan County Board of Commissioners to foster development of the Airport to enhance the overall economy of Rowan County. The Airport is one of the greatest economic tools available to Rowan County. It is a “diamond in the rough”, which the County is trying to cultivate to bring out its true brilliance.
- 2) All Rowan County tenants at the Airport have experienced a substantial increase in their tax bills since the annexation occurred, even when there was a reduction.
- 3) Rowan County Airport tenants have, to this day, received no corresponding benefits from the City to warrant the additional taxes they are forced to pay.
- 4) The City did not annex the entire Airport property and only annexed the portion which had taxable value for them, substantiating the argument the annexation was a money grab by the City.
- 5) Rowan County lost 22 cents of their tax rate when the Airport Development Zone was created in 2009. This is money the County could have used to further airport development.
- 6) The County feels it has been forced to negotiate lower lease rates with tenants, including one of its major corporate clients, due to the higher tax rate.
- 7) Major development at the Airport has been virtually nonexistent since the annexation.
- 8) Rowan County, in an effort to jump-start development at the Airport, has recently committed to build a \$1.7 million state of the art corporate hangar. Rowan County will pay approximately \$1.3 million of the cost in cash as further testimony to County’s dedication to Airport development. The County feels confident, that with a reduced tax rate, effected by de-annexation, a corporate client would occupy the hangar soon after

construction. The County does not want to build a hangar and have it sit empty for a long period of time. Ground is being broken for this hangar now. Chairman Sides said there were a lot of people with \$10 million airplanes, corporate, jets, etc. that would come to the Rowan County Airport.

- 9) Through State and Federal Grants and Rowan County matching funds, substantial new property contiguous with the Airport, has been purchased in preparation for extension of the runway.
- 10) Rowan County has intensified its efforts to move up the date for runway extension from 5500 feet to 6500 feet. The County is pursuing all options for funding to include an increased percentage of participation with County matching dollars for State and Federal funds. Normally, in a grant the County provides a 10% match for State and Federal grants. Chairman Sides said the County might be willing to provide more than 10% to get the Airport extension done.
- 11) Everything the County has done in the past and plans for the future related to the Airport extension, expansion has and will continue to be done in order to offer the most possible benefit to all the citizens of the County. All municipalities within the County will greatly benefit from economic growth and development at the Airport. The growth and development will spread from the Airport to the surrounding towns and communities and benefit all.

Chairman Sides felt it important to read the list due to the recent developments in the newspaper stating the City wanted to offer to further reduce the tax rate at the Airport. Chairman Sides said he met with the Mayor of Salisbury to present his plan and the Mayor had laid out his own plan. Chairman Sides said based on the Mayor's plan the County would lose a nickel of its tax rate for Airport development. Chairman Sides explained how vital the Airport was to the County and that the County needed to do what was needed to foster growth and bring in people who wanted to have businesses in Rowan County.

Commissioner Pierce, who formerly served as Chair of the Airport Advisory Board (AAB), discussed the tax rate for corporate clients as a result of the annexation. Commissioner Pierce praised Airport Manager Thad Howell, saying Mr. Howell had done a terrific job to not only try to spur growth but to maintain what the County had. Commissioner Pierce referenced a major client whose tax rate had doubled when the Airport was annexed. Commissioner Pierce said the annexation had cost a major client a lot of inconvenience and also a possible move. Commissioner Pierce said the annexation had been a major stumbling block to initiating new growth at the Airport. Commissioner Pierce said the County's fuel rate was the lowest of surrounding counties but it was tough to get clients to want to house their aircraft because of the tax situation. Commissioner Pierce said the matter was about moving forward.

Commissioner Pierce said the County had made the investment to put up a jet-worthy hangar to open the door for corporate clients to house their aircraft in Rowan County and to also show Rowan County was ready and open for business. Commissioner Pierce said this was the next step to make the Airport an economic engine for the County. Commissioner Pierce said the Airport should never have been annexed. Commissioner Pierce went on to say there was no benefit from the annexation for people on the Airport property or for anyone coming in and out of the County. The benefit was to stimulate tax revenues for the City. Commissioner Pierce noted the tax generated in Cabarrus and Iredell Counties from aircraft revenue was almost ten (10) times what it was at the Rowan County Airport. Commissioner Pierce said the tax rate was too high and race teams chose to go elsewhere to avoid paying higher taxes on aircraft. Commissioner Pierce felt the de-annexation was a major step needed for the County to grow its Airport and to grow industry. Commissioner Pierce said he fully supported the initiative.

Commissioner Caskey said he was in favor of the proposal and in looking forward, he felt Airport de-annexation was best for the County and City. Commissioner Caskey said some of the area around the Airport would be ripe for development and he felt in the long run the City would be better off from the de-annexation. Commissioner Caskey thought it would be good to try to work with the City; however, he said the issue had been in existence since 2004 and it was time to move forward.

Commissioner Barber said he did not disagree with anything stated thus far and that the information presented was factual. Commissioner Barber said the tax rate was an issue, as was extending the runway. Commissioner Barber said the process that would be used for the proposal would be to tell Rowan County's legislative delegation the Board would like for them to run a local bill. Commissioner Barber said the delegation would like for the request to come in the form of a Resolution because it became more of an official document. Commissioner Barber went on to say if the Board were to wait another thirty days to get the local delegation to proceed, it would still allow time to get the bill drafted, a vote taken on the House floor and passed over to the Senate by May 15. Commissioner Barber said he discussed the matter with Representative Harry Warren. Commissioner Barber said Representative Warren had followed up with an email saying he would prefer legislative action to de-annex the Rowan County Airport but wanted to ensure proper consideration was given to all options available that would be in the best interest of the Airport.

Commissioner Barber said an email was received from the Mayor, which suggested the two (2) boards get together to discuss what other options may be available. Commissioner Barber said since the City had offered to discuss the issue further and there was time to do so, he would like the discussion to be the Board's next step. Commissioner Barber reiterated he did not disagree with anything that had been said, as it was factual.

Chairman Sides moved to send a letter to the local legislative delegation requesting they send a bill for the purpose of de-annexing the Rowan County Airport. Chairman Sides said the exact parcel numbers to be de-annexed would be listed in the letter. Chairman Sides said he had spoken with Representative Warren who said he would be happy to accept such a letter. Chairman Sides said he had indicated to Representative Warren that if the proposal passed unanimously, all Commissioners who voted for the initiative would sign the letter and the letter would be forwarded to him listing the parcels. Chairman Sides said Representative Warren did indicate that he had taken the initiative to research other alternatives, with one being the forming of an Airport Authority that would include the City and all municipalities. Chairman Sides said none of the efforts the County had undertaken in the last fifty or so years had been to the detriment of the City, or any of the municipalities, but rather all efforts had been directed at making the Airport an economic development tool for all of Rowan County. Chairman Sides said it was time to move forward.

Commissioner Pierce seconded the motion. Commissioner Pierce said the County currently had an Airport Advisory Board (AAB) already staffed and he did not feel there needed to be more oversight. Commissioner Pierce said the AAB was more than adequate for anything that was needed and all else would need to come to the Commission for funding.

Commissioner Barber said, once again, that he did not disagree with anything he had heard, but since the City had offered to sit down and talk about other options he would personally like to hear what those options were.

Upon being put to a vote, the motion passed 3-1 with Commissioner Barber dissenting.

ADDITIONS

5a. Revised Assistance Policy for 2012 Urgent Repair Program

(This item was pulled from the Consent Agenda for discussion).

Commissioner Pierce referred to item #2, which stated “the applicant must own and occupy a house and it must be located within the County limits of Rowan and cannot be located inside the city limits of Salisbury and Kannapolis.”

Commissioner Pierce pointed out the policy was not written by the Board but rather it came from the State and the Board was not deliberately excluding Salisbury or Kannapolis. Commissioner Pierce mentioned that as you moved forward in the document it stated to submit an application, you could send it to either Rowan County or Salisbury.

Ed Muire, Planning and Development Director, said it was not uncommon in most housing programs to exclude municipalities. Mr. Muire said in this instance, both Salisbury and Kannapolis were considered entitlement communities, and generally received money that was distributed on an annual basis. Mr. Muire

said both had the opportunity to apply individually. Mr. Muire said the Salisbury Community Development Corporation, a non profit agency, would be administering the housing projects for the County. Mr. Muire said the assistance policy was previously adopted by the Board, but the change in housing administration several months back meant that the Board needed to be made aware.

Commissioner Pierce moved to accept the revised assistance policy for the 2012 Urgent Repair Program. Commissioner Barber seconded and the motion passed unanimously (4-0).

5b. Proclamation by Governor Pat McCrory

Commissioner Barber said Governor Pat McCrory proclaimed School Bus Driver Appreciation Week February 11 through February 15, 2013 and urged schools and North Carolina citizens to participate in recognizing school bus drivers and their record of safety. Commissioner Barber said the challenges that had been occurring across the United States had been tragic. Commissioner Barber mentioned the recent incident of a citizen boarding a bus, shooting the driver and abducting a child. Commissioner Barber said the purpose of bringing the subject up was to say thank you to those who make sure children get to and from school safely each day.

5c. Set Public Hearing for March 4, 2013 for ZTA 03-12: Solar Energy Systems

(This item was pulled from the Consent Agenda for discussion).

Commissioner Barber asked Mr. Muire to provide some examples of other counties and what languages they had put into their particular changes in their ordinances for the March 4, 2013 Public Hearing. Commissioner Barber said he was curious to see how other counties compared to what had been proposed.

Commissioner Barber moved to set the Public Hearing for March 4, 2013 for ZTA 03-12. Commissioner Pierce seconded.

Chairman Sides said he would accept the motion with the comment that staff time spent on this request should be very minimal.

Mr. Muire said he felt he had the information was standard practice and should be pulled together very easily.

Commissioner Pierce said he applauded the Planning Board for taking a lot of time to go through the recommendation. Commissioner Pierce said an excellent job was done on the proposal and he was looking forward to it going through at the Public Hearing.

Upon being put to a vote, the motion on the floor passed unanimously (4-0).

5d. - Resolution to Support Legislation to Increase Security Features for the Food and Nutrition Services Electronic Benefit Transfer Card

(This item was pulled from the Consent Agenda for discussion).

Commissioner Barber made the motion to approve the resolution. Commissioner Barber said that for Rowan County to be one of the first counties out of 100 to suggest that some sort of security features be put in place was an excellent idea. Commissioner Barber said he did see where there was potential for abuse in the system and this was really the same thing as voter ID. Commissioner Barber said it was a way of making sure that the people using this program were the right people that should be using it.

Commissioner Caskey seconded and the motion passed unanimously (4-0).

6. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Finance – To budget revenues and expenditures for additional donations received for Emergency Services - \$150
- Sheriff – Recognize excess revenue funds available in inmate housing account and budget to overtime salaries account. To provide funds for overtime work by clerical staff who are trying to reduce excessive backlog of concealed weapon permit applicants - \$5,000

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Barber and passed unanimously (4-0).

7. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 6:50 p.m. The motion was seconded by Commissioner Caskey and passed unanimously (4-0).

Respectfully Submitted,

Carolyn Barger, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager